

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ANTONIA TUFANO,

Plaintiff,

-against-

ORDER
CV 05-2520 (ERK)(ARL)

TRIBUNE COMPANY, et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the defendants' letter requesting that a telephone conference be scheduled to address the defendants' intention to file a motion to dismiss for failure to comply with discovery and/or failure to prosecute based on the plaintiff's failure to respond to the defendants' First Set of Interrogatories and First Request for the Production of Documents. That request is denied.

Prior to submitting a motion involving a discovery dispute, the defendants were required to confer with the plaintiff in good faith in an effort to resolve the dispute. The court does not consider sending counsel for the plaintiff a letter indicating that "if discovery is not received, the defendants will seek court intervention" a good faith effort. Moreover, prior to seeking sanctions pursuant to Fed. R. Civ. P. 37(b)(2), the defendants should first seek to compel responses to their requests. Accordingly, if motion practice is necessary after the defendants have made a good faith effort to resolve the dispute, the defendants are directed to submit their motion pursuant to Local Rule 37.3(c) by letter not exceeding three pages in length outlining the nature of the dispute and attaching relevant material. Within three days of receiving the letter, the plaintiff may submit a responsive letter not exceeding three pages and attaching relevant materials.

Dated: Central Islip, New York
March 9, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge